

IN RE: PETITION FOR ZONING VARIANCE
NW/4 of Scotts Hill Dr., 25'
SW of the c/l of Bittersweet Rd.
(1020 Scotts Hill Drive)
2nd Election District
2nd Councilmanic District
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-507-A
Benjamin Smith, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Gary Sipes with Patio Enclosures, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 1020 Scotts Hill Drive, consists of .11 acres zoned D.R. 5.5 and is improved with a single family dwelling. Petitioners propose enclosing an existing screened in porch for year-round use. Petitioners testified the proposed enclosure will be the same size as the existing porch. Said porch will be glass-enclosed and the existing roof will be replaced. Testimony indicated the Petitioners have spoken with their neighbors on the affected side of the variance who have indicated they have no objection to Petitioners' plans. Testimony and evidence presented indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements

of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of June, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

AMN:bjs

AMN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 833-3333
J. Robert Haines
Zoning Commissioner

June 15, 1989

M. & Mrs. Benjamin Smith
1020 Scotts Hill Drive
Pikesville, Maryland 21208

RE: PETITION FOR ZONING VARIANCE
NW/4 Scotts Hill Drive, 25' SW of the c/l of Bittersweet Road
(1020 Scotts Hill Drive)
2nd Election District - 2nd Councilmanic District
Benjamin Smith, et ux - Petitioners
Case No. 89-507-A

Dear Mr. & Mrs. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

AMN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Gary Sipes
Patio Enclosures, Inc.
224 8th Avenue, N.W., Glen Burnie, Md. 21061

People's Counsel

File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: May 23, 1989
Posted for: Variance
Petitioner: Benjamin Smith & Mercedes Smith
Location of property: NW/4 of Scotts Hill Drive, 25' SW of c/l of Bittersweet Road, 1020 Scotts Hill Drive
Location of Sign: In front of 1020 Scotts Hill Drive
Remarks: S. J. Arto
Posted by: S. J. Arto Date of return: May 26, 1989
Number of Signs: 1

89-507-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this day of May, 1989.

Petitioner Benjamin Smith
Petitioner's Attorney
Received by: J. Robert Haines
Chairman, Zoning Plans Advisory Committee

ZONING DESCRIPTION

Beginning on the northwest side of Scotts Hill Drive, 60 feet wide, at the distance of 25 feet southwest of the centerline of Bittersweet Road. Being Lot No. 26 in the subdivision of Scotts Hill, Book No. 26, Folio 22. Also known as 1020 Scotts Hill Drive in the 2nd Election District.

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the 1989 Zoning Commission's decision on the proposed variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet in accordance with Petitioner's Exhibit 1, at the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on Tuesday, June 13, 1989 at 2:00 p.m.
Petitioner for Zoning Variance Case Number: 89-507-A
NW/4 of Scotts Hill Drive, 25' SW of the c/l of Bittersweet Road (1020 Scotts Hill Drive)
2nd Election District
2nd Councilmanic District
Benjamin Smith & Mercedes Smith
Hearing Date: Tuesday, June 13, 1989 at 2:00 p.m.
Variance: To permit a 10 ft. rear yard setback in lieu of the required 30 ft.
In the event that this Petition is granted, a building permit may be issued within the 90-day construction period. The Zoning Commission's decision on the proposed variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet in accordance with Petitioner's Exhibit 1, at the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on Tuesday, June 13, 1989 at 2:00 p.m.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
5291 May 26

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 30, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 25, 1989.

THE JEFFERSONIAN,

S. Zake Olson
Publisher

PO 12561
ny M 28991
co 89-507-A
price \$39.40

413-3346
FULL TIME & PART TIME help for book store in East Baltimore. Call 922-1224, Ext. 2000.
LIBRARY NOTICE
The Zoning Commissioner of Baltimore County is seeking for the purpose of the Zoning Act and Regulations of Baltimore County, a person to act as the Zoning Commissioner's representative in the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on Tuesday, June 13, 1989 at 2:00 p.m.
PART OR BY HELP needed immediately, for telephone soliciting, for the purpose of the Zoning Act and Regulations of Baltimore County, a person to act as the Zoning Commissioner's representative in the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on Tuesday, June 13, 1989 at 2:00 p.m.
SECRETARY - Experienced in typing, billing & filing. P/T. 833-8001.
TELEMARKETING - Experienced, P/T or FT, daytime, evening. Earn up to \$7/hr. plus bonuses. Great location on Mulford Hill Rd. Easy access to bus. Call JOE, 953-3477.
MANICURIST WANTED - P/T or FT. Pikesville area, at men's barber shop. Call 558-0702 or 265-7795.
HELP WANTED
COUNSELORS/THERAPISTS/TEACHERS
8 week special needs summer day camp is searching for counselors, speech therapists and occupational therapists. Campers are intellectually, emotionally or learning impaired. Ages 6-16 years old. Educational background and/or familiarity in working with disabled populations preferred. Please send resume to:
Alice Kolman • 5700 Park Heights Ave., Balto., MD. 21215
Page 24 / Northwest STAR / May 24, 1989

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-507-A 1403

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet in accordance with Petitioner's Exhibit 1.

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise.
4. A place to sit out and not be concerned with the weather, bugs, mosquitoes, flies, etc.
5. Improve appearance of house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Benjamin Smith
Signature Signature
Address Mercedes Smith
City and State (Type or Print Name)
Signature
Attorney for Petitioner: 1020 Scotts Hill Drive 653-5384
(Type or Print Name) Address Pikesville, Md. 21208
Signature City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Patio Enclosures, Inc.
Name
City and State
Attorney's Telephone No.: 224 8th Avenue, N.W. 760-1919
Address Glen Burnie, Md. 21061
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 13th day of June, 1989 at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING 1/2 hr.
AVAILABLE FOR HEARING MON. TUES. WED. THUR. FRI. SAT. SUND. (over)
ALL MON. TUES. WED. THUR. FRI. SAT. SUND. (over)
RECEIVED BY: MJK DATE 3/15/89

CERTIFICATE OF PUBLICATION

Pikesville, Md., 5/24/1989
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 1st day of May, 1989.
the first publication appearing on the 24th day of May, 1989
the second publication appearing on the 29th day of May, 1989
the third publication appearing on the 31st day of May, 1989

THE NORTHWEST STAR

Manager Jim Miller

Cost of Advertisement 2/62

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Receipt FEE

Date: 01/03/89
Number: 006017
TYPE: 01
Identification Number: 01-1-615
Zip Code: 21202

Petitioner: Smith, Benjamin (Last) (First) (Middle Initial)

Property Address: 1020 Scotts Hill Drive (Number) (Street)



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 6/13/89 ACCOUNT: P-01-615-000

AMOUNT: \$ 76.00

RECEIVED BY: Benjamin Smith et al

FOR: P.A. 6/13/89 Hain 89-507-A

8 B11*****761008 01-1-615

VALIDATION OF SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Mr. & Mrs. Benjamin Smith
1020 Scotts Hill Drive
Pikesville, Maryland 21208

Re: Petition for Zoning Variance 89-507-A
NW/4 of Scotts Hill Drive, 25' SW c/l of Bittersweet Road
1020 Scotts Hill Drive
2nd Election District - 2nd Councilmanic
Petitioner(s): Benjamin Smith & Mercedes Smith
HEARING SCHEDULED: TUESDAY, JUNE 13, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Smith:

Please be advise that \$76.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THIS ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 10, 1989

Mr. & Mrs. Benjamin L. Smith
1020 Scotts Hill Drive
Pikesville, Maryland 21208

Re: Petition for Zoning Variance, Item #403

Dear Mr. & Mrs. Smith:

The Zoning Commissioner has reviewed your letter dated May 4, 1989 and has instructed me to respond to same.

Regretfully, I must inform you that it will not be possible to have the necessary construction completed before June 8, 1989, as it will not be possible to have the hearing, receive the written Order, and necessary building permit in time. This fact would remain the same even if your hearing was today.

As for the date of the hearing, this matter will be scheduled sometime during the week of June 19, '89.

Formal notification of your hearing date will be mailed to you shortly.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

GSH:f

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 11, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance 89-507-A
NW/4 of Scotts Hill Drive, 25' SW c/l of Bittersweet Road
1020 Scotts Hill Drive
2nd Election District - 2nd Councilmanic
Petitioner(s): Benjamin Smith & Mercedes Smith
HEARING SCHEDULED: TUESDAY, JUNE 13, 1989 at 2:00 p.m.

Variance to permit a 10 ft. rear yard setback in lieu of the minimum 30 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Smith
File
Patio Enclosures

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 31, 1989

Mr. & Mrs. Benjamin Smith
1020 Scotts Hill Drive
Pikesville, MD 21208

RE: Item No. 403, Case No. 89-507-A
Petitioner: Benjamin Smith, et al
Petition for Zoning Variance

Dear Mr. & Mrs. Smith:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Patio Enclosures, Inc.
224 8th Avenue, N.W.
Glen Burnie, MD 21061

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 21, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 399, 400, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 412 and 413.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 22 1989
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Benjamin Smith & Mercedes Smith

Location: NW/4 of Scotts Hill Dr., 25' SW centerline of Bittersweet Rd.
Item No.: 403 Zoning Agenda: 4/11/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1988 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 4/14/89
Fire Prevention Division

NOTED & APPROVED: [Signature]
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 23, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for April 11, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 399, 400, 401, 402, 403, 404, 406, 408, 409, 410, 412, 413, 414, and 416.

Comments are attached for Items 405 and 411.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

Encls.

MAY 24 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 25, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

RECEIVED
MAY 26 1989

ZONING OFFICE

Case No. 89-507-A
Item No. 403

Re: Benjamin Smith, et ux

The Petitioners request a variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet. In reference to this request, staff offers no comment.

A:61389.txt Pg.1

Benjamin L. Smith
1020 Scotts Hill Drive
Pikesville, Md. 21208

May 4, 1989

Mr. J. Robert Haines
Baltimore County Zoning
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines:

Patio Enclosures, Inc. applied for a Zoning Variance Hearing on March 28, 1989 to have our screened-in porch modified to encompass glass and screen.

We were told two weeks prior by Patio Enclosures, Inc., that the work would be accomplished in late April and/or early May.

We were also advised that Baltimore County Zoning would contact us concerning a date for the Variance Hearing. Since our wedding anniversary (30 years) is June 8th, this presented no problem. We are planning a reception with 75 guests.

Needless to say, we are very disappointed to now find out that the Variance Hearing will not be scheduled until around June 28, 1989.

It will be genuinely appreciated if you or your staff could intercede on our behalf to schedule the hearing at the most expeditious date possible.

My family, friends, and out of town guest would be eternally grateful.

Our Item Number is 403.

Sincerely yours,

Benjamin L. Smith
Benjamin L. Smith

BLS/p

RECEIVED
MAY 5 1989
ZONING OFFICE

